

REMARKS

In light of the following remarks, reconsideration of the present application is respectfully requested. Claims 1-32 are pending. Claims 1, 11, 18, 21-22, 24, 27 and 30 are amended. No new matter has been added.

Request for Interview

Applicants respectfully request an interview with the Examiner to discuss the issues in the subject application. The Examiner is requested to contact the undersigned to schedule an interview at his earliest convenience and before issuance of another action on the merits.

Claim Rejections under 35 U.S.C. § 101

Claims 11-17 stand rejected under 35 U.S.C. § 101 as being directed to nonfunctional descriptive material. Applicants respectfully traverse this rejection.

The Examiner states that "since the information have not been encoded or recorded on the medium and information that not processed by a recited computer to perform certain function, the information themselves do not make them statutory."

While Applicants do not agree with the Examiner's rejection, Applicants have amended claim 11 taking into account the Examiner's comments. More specifically, Applicants have amended claim 11 to explicitly provide that a data structure is recorded on the computer readable medium.

Moreover, Applicants maintain the arguments presented in the Amendment filed on August 8, 2008. Thus, as stated before, because the computer readable medium recited in claim 11 includes a data structure having an information area for managing reproduction of the video and/or audio and graphic data, claim 11 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of claim 11, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitamura et al. (US 5,758,007), hereinafter "Kitamura," in view of Yamaguchi et al. (US 6,631,241), hereinafter "Yamaguchi." Applicants respectfully traverse this rejection.

Claim 1 requires, inter alia, color control information "used in common for screen display by the plurality of graphic objects so that the graphic objects are changed in color or display effects by using the common color control information." At least this feature is not disclosed or suggested by Kitamura, Yamaguchi or a combination of the two (assuming they can be properly combined, which Applicants do not admit).

Kitamura discloses a method of generating a sub-picture unit 30 having display control commands SET_COLOR and SET_CONTR.¹ The command SET_COLOR is used to set color information into a pixel pattern. The command SET_CONTR changes the color.

The Examiner relies on the command SET_COLOR of Kitamura to teach the color control information of claim 1. But, in Kitamura, the command SET_COLOR is not used to change the color or display effects of the pixels. Moreover, Kitamura fails to disclose whether the color information is commonly used by all graphic objects. Accordingly, Kitamura does not disclose color control information "used in common for screen display by the plurality of graphic objects so that the graphic objects are changed in color or display effects by using the common color control information," as required by claim 1.

Even assuming for the sake of argument that Yamaguchi can be properly combined with Kitamura (which Applicants do not admit), Yamaguchi fails to cure the above-described deficiencies of Kitamura. Therefore, claim 1 is not rendered obvious by a combination of Kitamura in view of Yamaguchi. Claims 2-10, which are dependent on claim 1, are patentable for at least the reasons set forth above with regards to claim 1.

Claims 11, 18, 24, 27 and 30 are separate independent claims from claim 1, wherein each independent claim contains its own individual limitations. Each independent claim should be interpreted solely based upon limitations set forth therein. However, claims 11, 18, 24, 27 and 30 are patentable for at least reasons somewhat similar to those set forth above regarding claim 1. The claims dependent on claims 11, 18, 24, 27 or 30 are patentable for at least the reasons set forth above.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-32 under 35 U.S.C. § 103.

¹ Col. 37, lines 24-51 of Kitamura.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

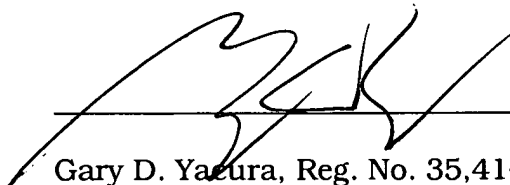
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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